Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 910 - 13761 - 2610 - 145 | Date: 8/16/10 | Time: 2100 Hours

Location: 750 East Avenue Q, Palmdale | City or Station: Palmdale

Bureau/Station/Facility: FOR 1/ Palmdale | Admin. Investigation: YES ☐ NO ☐

Type of Force: Significant: Personal Weapons (Hands/Push), Take Down, Control Holds

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☒ Call ☐ Observation ☐ Detail ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Steve Vaughan | Emp: [redacted] | IAB Roll Out: YES ☐ NO ☒

Involved Employee

E 1

Employee #	Last Name	First Name	Middle Name
[redacted]	Campbell	Andrew	J.

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Palmdale | Work Assignment (Unit #, Module, etc.): 263J

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6' 05" | Weight: 300 lbs.

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E 2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex: ☐ Male ☒ Female | Race: A | Unit of Assignment: Palmdale | Work Assignment (Unit #, Module, etc.): 264

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5' 02" | Weight: 135 lbs.

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Tucker	Marion	L.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ybarra	J. Carlos	M.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Clay	Paul	A.

Lieutenant Paul Clay
Watch Commander (**Print Name**) | [signature] Watch Commander's **Signature**: | Emp #: [redacted] | Date: 8/31/10

Sergeant J. Carlos Ybarra
Supervisor Completing Form: **(Print Name)** | Emp #: [redacted] | Copy Provided to Employee by: | Emp #:

Captain Bobby D. Denham
Unit Commander **(Print Name)** | [signature] Unit Commander's **Signature**: | Emp #: [redacted] | Date: 9/1/10

DISCOVERY Use Only

FO#
2275327

1 - CD

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

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SUSPECT INFORMATION
9 1 0 - 1 3 7 6 1 - 2 6 1 0 - 1 4 5

Suspect Information

S 1

Last Name: Riley | First Name: John | Middle Name: Thomas

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: W | Street Address: [redacted] | City: | State & Zip Code:

Work Phone: None | Home Phone: None | Age: 50 | Height: 5' 06" | D.O.B. 07/05/60 | Weight: 150 lbs. | Armed? ☐

Booking #: 2443-248 | Primary Charge Code: 69 PC | Secondary Charge Code: 314 Warrant | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Antelope Valley Hospital | Coroner Case #: | Mental History ☐

By Doctor: Malkeet Gupta, MD | Address: 1600 W. Ave. J, Lanacaster, Ca. 93534 | Phone #: 661-949-5000

Under Influence: ☒ YES ☐ NO Substance: Alcohol | Mental Illness ☐

Suspect Interview

Date: 08-16-10 | Time: 2112 | ☐ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 0 - 1 3 7 6 1 - 2 6 1 0 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Haynie	Kenneth	A.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ **Additional Witness**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Riley	S1	Campbell	E1	UC, RS	NN	
Campbell	E1	Riley	S1	CT	NN	
Riley	S1	Campbell	E1	UC, OO	NN	
Campbell	E1	Riley	S1	PH	NN	
Riley	S1	Campbell	E1	RS	NN	
Campbell	E1	Riley	S1	PP	LC	HE
Riley	S1	Campbell	E1	UC, RS	NN	
Campbell	E1	Riley	S1	TD, CT	FR	FA
[redacted]	E2	Riley	S1	CT, RH	NN	
Riley	S1	Campbell/[redacted]	E1/E2	RS	NN	

Force Applied

SIGNIFICANT: PERSONAL WEAPONS (HANDS/PUSH), TAKE DOWN, CONTROL HOLDS

Incident Details

On August 16, 2010, at approximately 2100 hours, Deputy Campbell was escorting the suspect into the Palmdale jail to be booked on a [redacted] and a [redacted]

The suspect was very intoxicated, smelled strongly of alcohol, and his clothes were dirty and disheveled. As they walked into the jail, the suspect became verbally abusive and told Deputy Campbell, "I'm going to kick your ass." Deputy Campbell walked the suspect into booking cell #2. Hearing the suspect's angry words, Deputy [redacted] walked over to and stood at the doorway to the booking cell at this time. The suspect was unsteady in his stance and tried turning around to face Deputy Campbell. Deputy Campbell said he had to turn the suspect around and hold him facing forward against the north wall of the booking cell to keep him from falling while maintaining control over the suspect.

Throughout most of the incident the suspect was angry, uncooperative, and yelled obscenities at Deputy Campbell. Deputy Campbell ordered the suspect to calm down so he could finish the booking procedure, but he did not comply. Once he finished searching him, Deputy Campbell continued to hold the suspect against the north cell wall and he asked Deputy [redacted] to take the handcuffs off of Suspect Riley. Deputy [redacted] removed the handcuffs and both deputies stepped to the doorway of the booking cell.

Deputy Campbell told the suspect to turn and face him. Then he ordered the suspect to take his shoes off and place them on the ground in front of him. The suspect took his left shoe off and threw it at Deputy Campbell. The shoe hit the wall next to him. Deputy Campbell warned the suspect not to throw his other shoe and to place it on the ground in front of him. The suspect took his right shoe off and threw it at Deputy Campbell just missing him.

Deputy Campbell told the suspect to back away from him to increase the distance between them. The suspect, however, planted his right foot behind him and clenched his fists forming an aggressive stance. He then charged forward at Deputy Campbell while raising his clenched fists. Fearing that he was about to get hit, Deputy Campbell punched the suspect once in the face with his right fist. The suspect took a step backwards and rested his back against the north cell wall.

The suspect, who was yelling gibberish, came off the north cell wall and lunged at Deputy Campbell a second time. Deputy [redacted] who was standing behind Deputy Campbell, thought the suspect was about to attack him again. Deputy Campbell defended himself by pushing the suspect backwards. The suspect took a step back then stumbled forward and fell face first against the south wall of the booking cell.

The suspect yelled something unintelligible and came off the south cell wall swinging his hands and arms around. Deputy Campbell told the suspect to lay down on the ground but he refused. In order to stop his combative behavior, Deputy Campbell grabbed the suspect by his shoulders and took him down to the ground. The suspect landed on his chest.

Deputy Campbell then knelt down to the left of the suspect's prone body and placed his right knee on the suspect's upper back to keep him from moving. He pulled the suspect's left arm behind his back. Deputy [redacted] knelt down and placed her left knee on the suspect's right shoulder blade. She then took hold of the suspect's right arm and began to move it toward his back. The suspect resisted her efforts by making his arm rigid but she was able to move it completely to his lower back. At that point she handcuffed the suspect's wrists. The suspect was told to quit resisting and he complied. Deputy Campbell then helped the suspect stand up. Both deputies exited the booking cell and closed the door securing the suspect inside without further incident.

When I arrived on scene, the suspect was still in the booking cell and getting handcuffed by Deputy [redacted] as Deputy Campbell held him on the ground. He was yelling obscenities and was slurring his speech. Deputy Campbell helped the suspect stand up then both deputies came out of the booking cell and closed the door with the suspect handcuffed inside. Deputies Campbell and [redacted] immediately reported their use of force to me and Custody Assistant Haynie reported his witnessing of force used upon the suspect.

Reported Use of Force by Involved Employee(s)

Deputies Campbell and [redacted] completed written reports of their observations and actions, which were consistent with their verbal notification of the use of force.

Witness Interview(s)

Witness Custody Assistant Kenneth Haynie Statement

I videotaped my interview of Witness Haynie in the Palmdale jail on August 16, 2010, at 2123 hours. Witness Haynie said he was working as the station jailer and happened to be standing by the booking cells when Deputy Campbell brought the suspect into the jail. While the suspect was being brought through the sally port, he was yelling obscenities at Deputy Campbell. The suspect threatened Deputy Campbell saying he would lose his job because the suspect claimed to "know people".

Deputy Campbell escorted the suspect into booking cell #1. Throughout most of the incident, the suspect was yelling obscenities. Witness Haynie said he heard Deputy Campbell ask Deputy [redacted] to remove the suspect's handcuffs which she did. The suspect turned to face Deputy Campbell and was ordered to remove his shoes. The suspect took one shoe off and threw at the ground. The witness then heard Deputy Campbell tell the suspect to take his other shoe off and to not throw it at him.

The suspect removed his second shoe and threw it forcefully at Deputy Campbell, missing him. The suspect then took a step forward at Deputy Campbell. Witness Haynie believed the suspect was lunging at the deputy. Deputy Campbell responded by punching the suspect once in the chest and then taking the suspect down. Deputy [redacted] walked over to where the suspect was laying and handcuffed him while Deputy Campbell continued to hold the suspect down.

Witness Haynie saw that the suspect was bleeding from his nose and thought the suspect may have hit his nose when he landed on the ground. The witness also said he recalled how the suspect had become somewhat cooperative once his handcuffs had been removed, but became combative after taking his shoes off and throwing them.

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Suspect Interview(s)

Suspect Interview(s) Conducted By: ☒ **Watch Commander** ☐ **Supervising Sergeant**

Watch Commander Interview

Lieutenant Paul Clay interviewed the suspect in the Palmdale jail on August 16, 2010, at 2112 hours. I videotaped this interview. The suspect was asked if he drank any alcohol earlier in the day. The suspect said he drank a pint of vodka and a 40 ounce beer. He added that he is a chronic alcoholic and will have seizures if he goes without drinking alcohol for any length of time. The suspect said he had not taken illegal narcotics but had smoked marijuana in the past. Lt. Clay also asked the suspect if he had ever been diagnosed with any psychological illnesses. The suspect said he had but was told that he was "okay". The suspect also appeared to have wet his pants. He could not explain when he had done so.

Regarding the use of force in the jail, the suspect said that from what he could remember, he had been put into a small cell and was handcuffed "real tight". He also claimed he was being nice to the deputies; however, a moment later the suspect told us that he had called Deputy Campbell a "bitch". He also claimed he had been slammed on the hood of a radio car before coming into the jail. The suspect said Deputy Campbell entered the booking cell and slammed him down on the ground causing his tooth to become loose.
When asked if his handcuffs had been removed at any point, the suspect said his handcuffs were never come off throughout the entire incident. It should be noted that not only did Deputies Campbell and [redacted] tell me that the suspect had been un-handcuffed, the witness and I also saw that the suspect had indeed been un-handcuffed refuting the suspect's claim. Additionally, the suspect admitted to throwing his shoes, though not at Deputy Campbell, when he had been told to take his own shoes off. Lt. Clay asked the suspect how it had been possible for him to take his own shoes off and throw them if he was handcuffed. The suspect gave us a blank stare then repeated that he had never been un-handcuffed.

The suspect was asked to describe his injuries. He said his nose and forehead hurt and his lower left most tooth was loose. The suspect opened his mouth and showed us his teeth. He only had the four front teeth in his lower jaw. I saw that the suspect had two small cuts (approximately 1/3" in length) above the bridge of his nose. At the end of the interview, the suspect claimed he had been punched several times then thrown down. He added that he had not thrown his shoes at Deputy Campbell and had not swung at him either. In the interview, the suspect had not been asked if he swung at Deputy Campbell.

Medical Review

As noted above, the suspect complained of pain to his forehead and nose, and said his lower left most tooth was loose. I saw two small (1/3" long) cuts above the bridge of his nose and an abrasion (½" x 1") near the upper right side of his head. The suspect also smelled strongly of alcohol and his speech was slurred. The suspect was transported to Antelope Valley Hospital were he was medically examined by Malkeet Gupta, MD. The suspect was treated for an alveolar ridge fracture (jaw) and for a laceration to the top of his head. Dr. Gupta advised Sergeant Kevin Turrill that the hairline fracture to his jaw and the laceration to the top of his head were consistent with either being punched or falling and hitting his head on the floor. The suspect was given an okay to book and was transferred back to Palmdale jail.

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Training & Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

The combination of the suspect's drunken state and hostile attitude warranted the use of caution in handling him throughout the booking process. The actions taken by Deputies Campbell and [redacted] in this use of force incident were objectively reasonable and within Departmental policy. The deputies actions were made necessary by the suspect's uncooperative and combative behavior that lead up to his attack upon Deputy Campbell.

Because of the suspect's high level of intoxication, belligerent demeanor, and chronic alcoholism, it may be that using force upon him was inevitable. The eventual outcome of this incident, however, could have been mitigated had Deputy Campbell employed different options in dealing with an extremely drunk and hostile Suspect Riley. Given the suspect's hostility upon entering the jail, Deputy Campbell should have kept him handcuffed. The suspect's abusive attitude upon entering the jail was a sound indicator that he wanted to fight with Department personnel. Deputy Campbell should have called for the watch sergeant to come to the booking area so that if force had to used it could have been directed force. Calling for a supervisor and other deputies to be present and assist during the booking of the suspect could have also lessened the likelihood that he would have chosen to fight with station personnel due to the odds for success not being in his favor. Telling the suspect that his uncomfortable handcuffs would be removed at the end of the booking procedure could have been additional leverage used in gaining his cooperation. After the incident I held a debriefing in the jail and discussed other options Deputy Campbell could have used. All remarks and criticisms were well received and he agreed that the suspect's handcuffs should not have been removed given his angry attitude.

With regard to the suspect's account of his contact with Deputies Campbell and [redacted] there were discrepancies in the statements he made about being handcuffed throughout the entire booking process. At first he stated that he was put in the booking cell and handcuffed "real tight". Then he stated that took his own shoes off and threw them at Deputy Campbell. When asked again about being handcuffed he remained adamant that his handcuffs had never been taken off. He also claimed that he had been slammed on the hood of the radio car prior to being escorted into the jail. Deputies Campbell and Breen both told me this did not happen. Given the suspect's contradictory statements and his extreme level of intoxication, his recollection of the nights events are questionable and leave me with low confidence in his truthfulness.

A minor issue that arose in my investigation of this incident was that the witness and I recall the suspect had been in booking cell #1. Deputies Campbell and [redacted] told me they believed the suspect had been in cell #2 in their initial reporting of the use of force. When asked later, both deputies told me they could have been mistaken about which cell the suspect had been in since both cells are next to each other by the jail sally port.

I asked Mr. Perry Cooksey for a copy of the jail surveillance video for this report. He informed me that due to a new video system being installed in the jail the recording system was not operational.

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Watch Commander's Review

After reviewing Sergeant Ybarra's force package, I concluded the force used by Deputies Campbell and [redacted] was justified and in compliance with the Department's policy regarding the use of force.

ADDITIONAL INFORMATION:

Deputy Campbell is currently on unit level performance review [redacted] he has been involved in. Although the force was found to be justified, Deputy Campbell should have foreseen the heightened potential that force might occur and taken measures to minimize the risk. Had Deputy Campbell simply waited until the suspect calmed down and notified the Watch Sergeant, this incident could have been avoided altogether. Deputy Campbell must demonstrate the ability to make smart choices regarding how to avoid situations that are likely to end in force.

RECOMMENDATIONS AND ACTIONS:

I spoke with Sergeant Paul Zarris who has been monitoring Deputy Campbell's performance and conveyed my concerns. Sergeant Zarris will have Deputy Campbell conduct several briefings on the subject of "Handling problematic inmates." He will research all Field Operations Directives and unit orders relevant to this topic.

Based on Sergeant Yabarra's investigation and my review of all supporting documents and evidence, along with the interview of the suspect, I concluded that Deputy Campbell's use of force was justified under the circumstances. I recommend no further action.

Case Status

Detective Christopher Bergo presented this case to the Lancaster District Attorney's Office. DA William Johnson filed three counts of 69 PC on August 18, 2010, under case number MA050071.

Trial set for 11-04-10.